Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/802,963	NOLAN, PAUL ANTHONY JOHN
	Examiner	Art Unit	
	Jin-Cheng Wang	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: On page 2, line 5,

"to shows through" should be "to show through". On page 4, line 7, "alpha pixels" should be

"alpha channel pixels"; line 9, "further and other objects and features" should be "further

features". On page 6, line 16, "in such as way" should be "in such a way". On page 16, line 4,

"as been shifted" should be "has been shifted". Appropriate correction of all mistakes is required.

2.   The applicant or their representatives are urged to review the specification and submit

corrections for all mistakes of a grammatical, clerical, or typographical nature.

Claim Objections

3.   Claim 4 is objected to because of the following informalities: On line 4 of claim 4,

"alpha pixels" should be "alpha channel pixels". Appropriate correction is required.

4.   Claim 5 is objected to because of the following informalities: On line 7 of claim 5,

"color brightness values" should be "color and brightness values". Appropriate correction is

required.

5.   Claim 8 is objected to because of the following informalities: On line 4 of claim 4,

"alpha pixels" should be "alpha channel pixels". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7.   Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Decoste et al.

U.S. Pat. No. 6,317,142.

8.   Claim 1:

The Decoste reference teaches an apparatus for creating an emblazoning effect in a

graphical image (the emblazoning effect such as brush effect. See figures 18 and 19, column 6,

lines 65-67 and column 7, lines 1-8), comprising:

(a) A processor (figure 2 and column 4, lines 65-67);

(b) A primary buffer for storing primary pixel values representing a region (e.g., a media

storage device. See figure 1, column 5, lines 55-67 and column 6, lines 1-9);

The Examiner notes that a region of an image refers to a portion of the image over which

the brush is applied. See column 16, lines 14-41.

(c) A secondary buffer for storing secondary pixel values representing a region (e.g., a

textured canvas. See column 15, lines 55-67 and column 16, lines 1-41);

(d) A user-modifiable (column 2, lines 20-39) alpha channel for storing tertiary values for

pixels representing the same region (figure 17A, column 15, lines 55-67 and column 16, lines 1-

41);

(e) A function (e.g., selecting a paint mode, or applying an absorption factor to brush

strokes, or changing the wetness and melting parameters to control the smear effect) representing

application of both color (column 15, lines 24-31) and brightness values to input pixel values

(column 15, lines 55-67 and column 16, lines 1-41), wherein said processor executes said

function (e.g., a paint mode, filter effects, transformation etc.) on the secondary pixel values (of

brush strokes) to an extent represented by the tertiary pixel values (mattes) held in the alpha

channel (column 15, lines 55-67 and column 16, lines 1-41), for storing the resultant pixel values

(e.g., of rendered portion of the image) as the primary pixel values, in the primary buffer

(displayed in the viewing area 112 of the display 28. See column 15, lines 55-67 and column 16,

lines 1-41);

(f) User-activated means (figure 17B and column 16, lines 6-13) for copying the primary

pixel values (image or a paper grain image in the viewing area) stored in the primary buffer to

the secondary pixel values stored in the secondary buffer (e.g., painting on a textured canvas. See

column 15, lines 55-67 and column 16, lines 1-41).

The Examiner notes that painting on a paper grain image in a textured canvas implies the

step of copying a source image from one storage area to another storage area of the textured

canvas prior to the direct painting on a textured canvas because the source image needs to be

copied to the temporary storage area before painting or applying brush strokes to an image.

9.   Claim 2:

The Decoste reference teaches a method of creating effects in a graphical image (e.g.,

soft or fuzzy appearance. See column 14, lines 63-67 and column 15, lines 1-24), comprising

choosing a media image (column 4, lines 55-67 and column 6, lines 1-9), causing edges of the

media image to have less transparency (figure 14, column 14, lines 63-67 and column 15, lines

1-24), adding the media image to a paint layer (column 15, lines 25-67 and column 16, lines 1-41), and brightening parts of the paint layer with the media image (figure 18, column 15, lines 25-67 and column 16, lines 1-41).

10.   Claim 3:

The Decoste reference teaches a method of creating effects in a processed graphic image (e.g., soft or fuzzy appearance. See column 14, lines 63-67 and column 15, lines 1-24), comprising providing an image channel with a graphic image having source pixels (column 4, lines 55-67 and column 6, lines 1-9), providing an alpha channel having alpha channel pixels which are spatially equivalent to the source pixels (figure 17A, column 14, lines 63-67 and column 15, lines 1-24), assigning the color value assigned to alpha channel pixels (column 14, lines 63-67 and column 15, lines 1-24), brightening the color value assigned to alpha channel pixels (figure 18, column 15, lines 25-67 and column 16, lines 1-41), and causing edges of an image formed by the alpha channel pixels to have less transparency (figure 14, column 14, lines 63-67 and column 15, lines 1-24).

11.   Claim 4:

The Decoste reference teaches a method of creating effects in a graphic image (e.g., soft or fuzzy appearance. See column 14, lines 63-67 and column 15, lines 1-24), comprising providing a source image channel having source pixels (column 4, lines 55-67 and column 6, lines 1-9), providing a color level with selected colors (figure 12A and column 15, lines 24-31), providing an alpha channel having alpha channel pixels which are spatially equivalent to the

source pixels (figure 17A, column 14, lines 63-67 and column 15, lines 1-24), mapping multiple

pixels in the alpha channel (figure 18, column 15, lines 25-67 and column 16, lines 1-41),

embossing the pixels in the alpha channel and using a result of the embossing for changing

brightness of the selected colors being applied (column 8, lines 33-45, figure 18, column 15,

lines 25-67 and column 16, lines 1-41), and providing highlights to the selected colors, thereby

providing a sense of depth due to the embossing, giving the highlights to the applied colors

(column 8, lines 33-45, figure 18, column 14, lines 20-24, column 15, lines 25-67 and column

16, lines 1-41).

12.   Claim 5:

The Decoste reference teaches an apparatus for creating an emblazoning effect in a

graphical image (e.g., soft or fuzzy appearance. See column 8, lines 33-45, figure 18, column 14,

column 14, lines 63-67 and column 15, lines 1-24), comprising storing in a primary buffer of a

processor primary pixel values representing a region (figure 1, column 5, lines 55-67 and column

6, lines 1-9); storing in a secondary buffer secondary pixel values representing a region (column

15, lines 55-67 and column 16, lines 1-41); storing tertiary values for pixels representing the

same region in a user-modifiable alpha channel (figure 17A, column 14, lines 20-24, column 15,

lines 25-67 and column 16, lines 1-41); providing a function representing application of both

color and brightness values to pixel values (column 15, lines 55-67 and column 16, lines 1-41),

executing said function on the secondary pixel values to the extent represented by the tertiary

pixel values held in an alpha channel (e.g.., compositing. See column 15, lines 55-67 and column

16, lines 1-41), and storing the resultant pixel values as the primary pixel values in the primary

buffer (column 15, lines 55-67 and column 16, lines 1-41); and copying the primary pixel values

stored in the primary buffer to the secondary pixel values stored in the secondary buffer (column

15, lines 55-67 and column 16, lines 1-41).

Claim 6:

The claim 6 encompasses the same scope of invention as that of claim 5 except additional

claimed limitation of choosing a media image, causing edges of the media image to have less

transparency, adding the media image to a paint layer, and brightening parts of the paint layer

with the media image. However, the Decoste reference further discloses the claimed limitation of

choosing a media image (column 4, lines 55-67 and column 6, lines 1-9), causing edges of the

media image to have less transparency (figure 14, column 14, lines 63-67 and column 15, lines

1-24), adding the media image to a paint layer, and brightening parts of the paint layer with the

media image (figure 18, column 15, lines 55-67 and column 16, lines 1-41).

Claim 7:

The claim 7 encompasses the same scope of invention as that of claim 5 except additional

claimed limitation of providing an image channel with a graphic image having source pixels,

providing in the alpha channel alpha channel pixels which are spatially equivalent to the source

pixels, assigning color values to the alpha channel pixels, and causing edges of an image formed

by the alpha channel pixels to have less transparency. However, the Decoste reference further

discloses the claimed limitation of providing an image channel with a graphic image having

source pixels (column 4, lines 55-67 and column 6, lines 1-9), providing in the alpha channel

alpha channel pixels which are spatially equivalent to the source pixels (figure 17A, column 14,

lines 20-24, column 15, lines 25-67 and column 16, lines 1-41), assigning color values to the

alpha channel pixels (figure 12A and 17A, column 14, lines 20-24, column 15, lines 25-67 and

column 16, lines 1-41), and causing edges of an image formed by the alpha channel pixels to

have less transparency (figure 14, column 14, lines 63-67 and column 15, lines 1-24).

Claim 8:

The claim 8 encompasses the same scope of invention as that of claim 5 except additional

claimed limitation of providing source image channel having source pixels, providing a color

level with selected colors, and providing in the alpha channel alpha pixels which are spatially

equivalent to the source pixels. However, the Decoste reference further discloses the claimed

limitation of providing source image channel having source pixels (column 4, lines 55-67 and

column 6, lines 1-9), providing a color level with selected colors (figure 12A and column 15,

lines 24-31), and providing in the alpha channel alpha pixels which are spatially equivalent to the

source pixels (figure 17A, column 14, lines 20-24, column 15, lines 25-67 and column 16, lines

1-41).

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

a.   Hamburg U.S. Pat. No. 6,434,269 discloses a method and apparatus for erasing a

feature from a digital image.

b.   Massarsky U.S. Pat. No. 6,385,628 discloses a method of creating a caricature of

an image taken of or provided by a user at a photo-booth.

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jin-Cheng Wang whose telephone number is (703) 605-1213.

The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 308-6606 for regular

communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 395-3900.

jcw
March 5, 2003
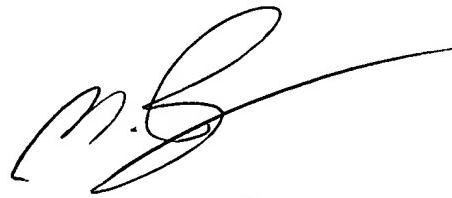
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